

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LINDA M. ANDERSON

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

Case No. 12-5253 RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 18). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This Court recommends that on remand, the ALJ shall re-assess the May 2010 opinion of William F. Roes, M.D. (Tr. 568-69), state the specific weight given to the opinion, and give appropriate rationale as to why it is accepted or rejected. The ALJ shall also re-assess Plaintiff's credibility and the treatment notes of Michael J. Martin, M.D. The ALJ shall also obtain evidence from a medical expert to address the nature and severity of Plaintiff's impairments and whether they meet or equal a listing, particularly Listing 1.04. Finally, the ALJ shall evaluate the

1 third party statements of Daniel Anderson (Tr. 556-60) and Victoria Krause (Tr. 562-66) in  
2 accordance with Social Security Ruling 06-03p.

3 Plaintiff is entitled to reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412,  
4 upon proper request to this Court.

5 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
6 immediately approve this Report and Recommendation and order the case **REVERSED** and  
7 **REMANDED**. A proposed order accompanies this Report and Recommendation.  
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9 DATED this 14<sup>th</sup> day of November, 2012.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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